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By: Judith Muzik Date: 1/7/03

File No. 417/9-1553

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Abdul R. SALMON

Serial No. : 09/923,2227

Examiner: Sharmila S. Gollamudi

Filed : August 6, 2001

Group Art Unit: 1616

For : NASAL PASSAGE CLEANING COMPOSITION

Assistant Commissioner for Patents
Washington, DC 20231

DECLARATION

1. I, Abdul R. Salman, am a medical doctor and the sole inventor of the subject matter in the above referenced application. I make this declaration in support of the patentability of my claimed invention.

2. I have reviewed the Office Action dated June 19, 2002 and the documents cited by the examiner.

3. I have read Hughes, et al (June 1994) and found that this describes an ointment containing volatile compounds applied to the skin. The released volatile are inhaled and allegedly able to open the nasal passages. However, breathing such vapors will not provide an effect comparable to the nasal spray of my invention which is a liquid that is sprayed into and irrigates the nasal passages. Certainly, the ointment of Hughes could not be applied directly to

the nasal passages as it would deposit and plug the passages with significant discomfort. In addition, the particular components of my invention are not found in Hughes, et al.

4. I have read Bryce-Smith and found that this describes a treatment for the common cold using a relatively high concentrations of zinc sulfate solution. However, my invention is a nasal spray for cleaning the nasal passages, using a unique combination of non-steroidal ingredients and this patent is unrelated to the cleaning of the nasal passages.

5. I have read the Pan reference and find that this is specifically directed to the treatment of the larynx, throat and pharyngeal area using a slow dissolving lozenge. Certainly there is no suggestion to use the lozenge for contact cleaning of the nasal passages and the application method itself renders it impossible for this to be used in a comparable way to my invention.

6. No one reading the three references referred to by the examiner could create my inventive composition, as these are unrelated to direct application nasal passage cleaning compositions and do not give one enough information to even indicate that a nasal passage cleaning composition should or could be produced from various ingredients assembled from these patents.

7. I have found that the nasal sprays presently available include steroids. Examples of these are Flonase® (fluticasone propionate) from Glaxo-Wellcome, Inc, Rhinocort Aqua™ (budesonide) from AstraZeneca LP, Nasonex® from Schering Corp. or Nasacort® AQ (triamcinolone acetonide) from Aventis Pharmaceuticals Products, Inc.. These all have significant undesirable side effects that are avoided by my invention which contains no steroids.

8. It is common knowledge that the sympathomimetic nasal decongestants such as ephedrine, pseudoephedrine, tetrahydrozoline HCL, oxymetazoline HCL or neosynephrine can have serious side effects, which are avoided with my inventive composition.

9. My invention is effective in cleaning the nasal passages, using non-steroidal ingredients, with limited discomfort. I have conducted a survey of those using my invention, known as Sinus Magic™. A copy of the results are included showing that my invention relieves sinus discomfort, opens the nose and improves breathing at night.

10. In considering all of these factors, I do not see how my invention would be obvious to one of skill in this art given the current state of the steroidal nasal sprays, and the diverse nature of the documents referred to by the examiner.

I, the undersigned further declare that all statements herein of my own knowledge are true and that statements made on information and belief are believed to be true and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Dr. Abdul R. Salman

1/6/03
Date

SinusMagic Questionnaire

		%		%		%	%
Sinus discomfort	Better	90.00	Same	3.00	Worse	0.50	N/A 6.50
Pain In Nose	Better	66.90	Same	5.10	Worse	0.43	N/A 27.57
Breathing at Night	Better	80.83	Same	13.10	Worse	0.46	N/A 5.61
Open Nose	Better	91.50	Same	3.00	Worse		N/A 5.50
Snoring	Better	35.50	Same	15.50	Worse		N/A 49.00
Causes Pain in the Nose	None	85.10	Little	14.50	a lot	0.40	
Stinging Sensation	None	74.30	Little	24.30	a lot	1.40	

Note: 214 person with sinus trouble used SinusMagic in this survey.

No Placebo Control

